

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

KENNETH WAYNE FICK,)	No. CV-F-05-327 REC
)	
)	ORDER DEEMING PLAINTIFF'S
Plaintiff,)	"MOTION TO APPEAL TO THE
)	NINTH CIRCUIT COURT" (Doc.
vs.)	31) TO BE NOTICE OF APPEAL
)	AND DIRECTING CLERK TO
)	PROCESS NOTICE OF APPEAL
)	
PEOPLE OF CALIFORNIA, et)	
al.,)	
)	
)	
Defendant.)	
)	
)	

Plaintiff has filed a "Motion to Appeal to the Ninth Circuit Court". Because plaintiff has paid the filing fee in this action, plaintiff does not need permission of this court to file a Notice of Appeal. Consequently, the court deems plaintiff's motion to be a Notice of Appeal to the Ninth Circuit Court of Appeal from this court's Order dismissing this action with prejudice and the judgment in favor of defendants entered by the Clerk of the Court. The Clerk of the Court is directed to process plaintiff's Notice of Appeal.

1 IT IS SO ORDERED.

2 **Dated: October 12, 2005**
668554

/s/ Robert E. Coyle
UNITED STATES DISTRICT JUDGE

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